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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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THOMAS L. WILLIAMS,	Case No. 3:19-cv-00718-RCJ-CLB
Petitioner,	ORDER
v.	
STATE OF NEVADA, et al.,	
Respondents.	

Petitioner has submitted what he styled as a *pro se* petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2241 (ECF No. 1-1). However, petitioner has submitted an incomplete application to proceed *in forma pauperis*. He has failed to include the acknowledgement page of the IFP form (where his signature is required) or a signed financial certificate. Accordingly, this matter has not been properly commenced. 28 U.S.C. § 1915(a)(2) and Local Rule LSR1-2.

Further, while not entirely clear, it appears that Williams entered into a guilty plea agreement on or about November 2019 in Nevada state court. A federal court will not grant a state prisoner's petition for habeas relief until the prisoner has exhausted his available state remedies for all claims raised. *Rose v. Lundy*, 455 U.S. 509 (1982); 28 U.S.C. § 2254(b). A petitioner must give the state courts a fair opportunity to act on each of his claims before he presents those claims in a federal habeas petition. *O'Sullivan v. Boerckel*, 526 U.S. 838, 844 (1999); *see also Duncan v. Henry*, 513 U.S. 364, 365 (1995). A claim remains unexhausted until the petitioner has given the highest available state court the opportunity to consider the claim through direct appeal or state

1 collateral review proceedings. See *Casey v. Moore*, 386 F.3d 896, 916 (9th Cir. 2004);
2 *Garrison v. McCarthy*, 653 F.2d 374, 376 (9th Cir. 1981).

3 The court takes judicial notice of the fact that Williams cannot have exhausted his
4 available state remedies before submitting this petition to federal court in December
5 2019. The petition is, therefore, dismissed without prejudice as improperly commenced
6 and unexhausted.

7 **IT IS THEREFORE ORDERED** that the incomplete application to proceed in
8 forma pauperis (ECF No. 1) is **DENIED**.

9 **IT IS FURTHER ORDERED** that the Clerk shall detach and file the petition (ECF
10 No. 1-1).

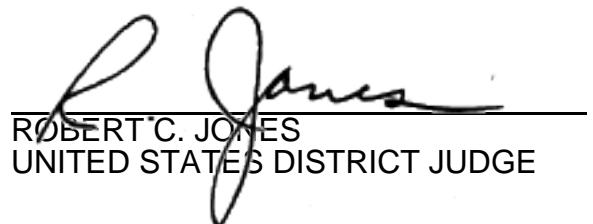
11 **IT IS FURTHER ORDERED** that the petition is **DISMISSED** without prejudice as
12 set forth in this order.

13 **IT IS FURTHER ORDERED** that a certificate of appealability is **DENIED**.

14 **IT IS FURTHER ORDERED** that petitioner's motion for appointment of counsel
15 (ECF No. 3) is **DENIED** as moot.

16 **IT IS FURTHER ORDERED** that the Clerk shall enter judgment accordingly and
17 close this case.

18 DATED: 23 January 2020.

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22 ROBERT C. JONES
23 UNITED STATES DISTRICT JUDGE
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